

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOY SWEETING,		Civil Action No. 04-368 - Erie
	Plaintiff,)
) The Hon. Sean J. McLaughlin
v.)
HIGHMARK, INC.,) ELECTRONIC FILING
	Defendant.)

**APPENDIX IN SUPPORT OF HIGHMARK'S
MOTION FOR SUMMARY JUDGMENT
VOLUME III OF III**

Martha Hartle Munsch
PA ID No. 18176
mmunsch@reedsmith.com
Shweta Gupta
PA ID No. 84388
sgupta@reedsmith.com
REED SMITH LLP
435 Sixth Avenue
Pittsburgh, PA 15219
412-288-4118/4054

Carl H. Shuman, Esq.
Highmark, Inc.
Pa. ID No. 37506
1800 Center Street
Camp Hill, PA 17089

Counsel for Defendant
Highmark, Inc.

TABLE OF CONTENTS

<u>TAB</u>	<u>DOCUMENT</u>	<u>LOCATION IN APPENDIX</u>
A	Declaration of Anna L. Silberman	VOLUME I
B	Pages from Silberman Deposition Transcript	VOLUME I
	Exhibits from Silberman Deposition Transcript	VOLUME II
C	Pages and exhibits from Plaintiff's Deposition Transcript	VOLUME II
D	Portions of Highmark's Responses to Plaintiff's First Set Of Interrogatories	VOLUME II
E	Pages and exhibits from Swick Deposition Transcript	VOLUME III
F	Pages from Palaggo-Toy Deposition Transcript	VOLUME III

TAB E

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

JOY SWEETING,)
)
Plaintiff,)
)
- vs -) Civil Action
HIGHMARK, INC.,) No. 04-0368 Erie
)
Defendant.)

DEPOSITION OF: REBECCA SWICK

DATE: November 22, 2005
Tuesday, 10:03 a.m.

LOCATION: SCANLON & SANSONE
2300 Lawyers Building
Pittsburgh, PA 15219

TAKEN BY: Plaintiff

REPORTED BY: Beth E. Welsh
Notary Public
QCR Reference No. BW1598

COPY

1 REBECCA SWICK,
2 having been duly sworn,
3 was examined and testified as follows:
4 - - - -

5 EXAMINATION
6 - - - -

7 BY MR. SANSONE:

8 Q.. Your name is Rebecca Swick; is that right?

9 A. S-W-I-C-K.

10 Q. Is it Swick?

11 A. Swick.

12 Q. Ms. Swick, where are you currently employed?

13 A. Highmark.

14 Q. In what capacity?

15 A. I'm a community site consultant.

16 Q. How old are you?

17 A. I'm about to be 34.

18 Q. How far did you go in school?

19 A. I'm about to get my master's degree on
20 December 11th.

21 Q.. On December 11th of 2005 you will get your
22 master's degree in what?

23 A. Public administration.

24 Q. Master's in public administration. From what
25 university?

1 A. Gannon University in Erie.

2 Q. Congratulations.

3 A. Thank you.

4 Q. You expect to be receiving your master's at that
5 time. What is the highest degree that you
6 currently hold?

7 A. A bachelor of arts in social work from the
8 University of Pittsburgh.

9 Q. From Pitt, which is where I went to school.

10 When did you receive your bachelor's from Pitt?

11 A. That was '94.

12 Q. When did you start working at Highmark?

13 A. Nine years ago in February, so I don't know what
14 year that would be, what, '98.

15 Q. Boy, that's a tough one. Nine years ago,
16 wouldn't that be '97?

17 A. February will make it --

18 JOY SWEETING: '97.

19 BY MR. SANSONE:

20 Q. I just looked at your personnel file, but I
21 forget already. Let's assume it was '97 you
22 started with Highmark.

23 A. (Witness nodding head up and down.)

24 Q. During your employment with Highmark have you
25 been continuously going to school to try to get

1 at there. So you began working with Highmark in
2 roughly 1997?

3 A. Uh-huh.

4 Q. In what capacity did you begin working with
5 Highmark?

6 A. Customer service representative in Erie.

7 Q. Who was your immediate supervisor in that
8 position?

9 A. Initially it was Debra Johnson.

10 Q. How long did she remain your immediate
11 supervisor?

12 A. I want to say it was probably close to two and a
13 half years and then I switched units to Kathleen
14 Rzodkiewicz.

15 Q. How do you spell Rzodkiewicz?

16 A. It's R-Z-O-D-K-I-E-W-I-C-Z.

17 Q. Wow. Can you do that one more time?

18 A. R-Z-O-D-K-I-E-W-I-C-Z.

19 Q. How long did Kathleen remain your immediate
20 supervisor?

21 A. Maybe about a year. I think it was total about
22 three and a half years in customer service.

23 Q. You said something about changing units.

24 A. Yeah, they frequently restructure up there.

25 Q. I see. But you remained a customer service rep?

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 A. Yes.

2 Q. Just a different supervisor?

3 A. Correct.

4 Q. How long did you remain in this position as

5 customer service rep?

6 A. A total of about three and a half years.

7 Q. Then what happened?

8 A. Then I became the assistant at HealthPLACE.

9 Q. By the way, I've got us somewhere around '00 or

10 '01.

11 A. What's that, I'm sorry?

12 Q. I have the chronology so far as somewhere around

13 2000 or 2001.

14 A. I guess so. I mean I'm not the greatest with

15 dates.

16 Q. Oh, okay.

17 A. I can tell you three and a half years in is when

18 I moved to HealthPLACE.

19 Q. Okay. What do you mean by moved to HealthPLACE,

20 what does that mean?

21 A. My job was transferred. I was no longer a

22 customer service representative. I became the

23 assistant at the Highmark HealthPLACE in Erie.

24 Q. The assistant what?

25 A. I'm trying to remember what the title was, just

1 Q. What about the other parts of it that were
2 nonclerical, what were they?

3 A. Interacting with the people, our public, our
4 members, our employees. There was quite a bit
5 of face to face. You really had to have a good
6 rapport with people that you came into contact
7 with.

8 Q. I think you said that because the previous job
9 had been on the phone, that this was a new
10 experience being the face-to-face contact with
11 the public?

12 A. Well, I've worked with the public before, but as
13 far as my role with Highmark, absolutely I was
14 on the phones before.

15 Q. I did skip over that, and I did want to ask you
16 a little bit about what you did before you came
17 to Highmark. We tried to sort of agree that it
18 was around '97 that you came to Highmark.

19 A. Correct.

20 Q. You graduated from Gannon in '94; is that right?

21 A. No, from Pitt in '94.

22 Q. I'm sorry, from Pitt in '94. So in that
23 three-year stretch or roughly three-year stretch
24 what did you do?

25 A. I worked initially at the Area Agency on Aging

1 through GECAC, that's G-E-C-A-C. I was a social
2 worker, a caseworker, I carried a load of over
3 120 individuals, and I am still in-home
4 services, Meals on Wheels, help with activities
5 of daily living, basically casework for
6 individuals who needed assistance. After that I
7 accepted a position with the Lutheran Home of
8 Erie briefly before I got married, and I was the
9 social worker there, I worked with -- that was
10 about 150 residents and helped them with their
11 Medicare applications, things like that.

12 Q. That's what you were talking about when you
13 talked about your contact with the public in
14 previous positions?

15 A. Correct.

16 Q. I take it you left the Lutheran --

17 A. The Lutheran Home?

18 Q. -- home to go to Highmark?

19 A. Not directly. I just quit the Lutheran Home
20 because I really did not like it. There was
21 abuse going on in the facility, and I was not
22 happy to be a part of that.

23 Q. I see. I'm sorry to hear that. Were you
24 employed between the periods?

25 A. No. I actually took some time off. I had just

1 A. It will be two years in February.

2 Q. So '04, February of '04?

3 A. Uh-huh.

4 Q. What was your position at the time of the
5 dissolution of HealthPLACE?

6 A. Program assistant.

7 Q. The same position you had taken in roughly 2000?

8 A. Correct.

9 Q. What happened to your employment with Highmark
10 thereafter?

11 A. It was transitioned to the position that I hold
12 now.

13 Q. That position is community site consultant?

14 A. Correct.

15 Q. Would you tell me, please, what are the duties
16 and responsibilities of the community site
17 consultant?

18 A. Various -- in a nutshell, community site
19 consultants are tasked with establishing and
20 keeping on track community organizations that
21 adopt our programming and deliver them to the
22 community at large. It basically involves a
23 million little tasks. It's
24 organizational, mostly administrative. I
25 currently work with thirteen sites, but that's

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 program.

2 Q. Prior to this revamping that we're talking about
3 in '04 were these programs offered through
4 HealthPLACE?

5 A. Like I said, not in that exact form. They were
6 wellness courses by different names and slightly
7 different content. The selection of wellness
8 programming absolutely changed, but were there
9 wellness programs available at HealthPLACE, yes,
10 that's what they did.

11 Q. That's what I'm asking, how similar or
12 dissimilar were the programs that were
13 redeveloped or retooled I guess you said from
14 what existed at HealthPLACE?

15 A. I don't know that I really have a way to tell
16 you how different they are. All of the
17 programming has been, as I said, kind of picked
18 apart, revamped. They were pretty boring. They
19 were much longer. For example, they were
20 eight-week classes that people really wouldn't
21 commit to and nobody ever signed up for them.
22 The programs were failing the way that they were
23 so they basically took everything apart, kept
24 some of the good information that was core,
25 revamped it, repackaged it, made it more

1 accessible and more palatable. I don't know if
2 that answers your question.

3 Q. Somewhat. What is it exactly that you did with
4 these programs?

5 A. Personally?

6 Q. Yes, in your job as community site consultant.

7 A. Oh, what is it I do now?

8 Q. Yes.

9 A. Okay. Community site consultants, as I said, go
10 out, they choose community locations, sites to
11 deliver the program, that's the first thing. We
12 have to decide where it is appropriate that they
13 actually go.

14 Q. For example?

15 A. For example, a local YMCA, okay. We find a
16 location based on the list of criteria, see if
17 the staff is able to manager the programs. If
18 so, we implement training, get everybody on
19 board, work with a marketing program, try to get
20 people in the door, enrolled. Every course
comes with paperwork. Everything we do needs
outcomes. We need to know if the programs are
effective or not. There's constant re-staffing
issues. It's basically baby-sitting the
programs at each of these places, making sure

QUALITY

Bethel Park, PA COURT REPORTING 412-833-3434

1 the enrollment is high enough. If not,
2 addressing those issues, getting the sites paid.
3 It's a very -- like I said, it's a very hands-on
4 dealing with kind of putting out fires, you
5 know, all the time, just keeping these programs
6 up and running, making sure the word is out
7 there, making sure that there's quality to the
8 programming, making sure that guidelines are
9 being respected.

10 Q. In this position do you do any type of teaching?

11 A. No.

12 Q. So you don't run any of the programs?

13 A. No. We go to the sites. That was part of the
14 issue, is we didn't want to reinvent the wheel,
15 we know that there are quality health educators
16 out there. We don't have time to be doing that.
17 We go in and set up the programming, that site
18 hires instructors, we are not instructors.

19 Q. What was the process by which you came to the
20 position of community site consultant?

21 A. I was assigned to it. I really don't know.
22 HealthPLACE closed down. I was told that there
23 would be a position, and it came that way.

24 Q. So you didn't interview for the job?

25 A. No.

*** CONFIDENTIAL ***

1 agreed that the duties included clerical duties,
2 duties interacting with others. Would you also
3 characterize the duties that you performed in
4 that job as administrative in nature?

5 A. Probably mostly -- I would say it was probably a
6 fifty-fifty split between dealing with the
7 public and working administratively. There was
8 a lot of detail, a lot of paperwork, a lot of,
9 like I said, course evaluations, calendars,
10 very -- I mean tedious. I mean I always said it
11 wasn't, you know, something that -- you know, it
12 took some huge degree to be able to do, but you
13 had to keep things organized and balance several
14 things at once, so yes.

15 MS. MUNSCH: I have nothing further,
16 Joel, and she will read and sign.

17 MR. SANSONE: I want to follow up
18 here briefly on a couple of your questions,
19 Martha.

- - -

RE-EXAMINATION

- - -

21 BY MR. SANSONE:

22 Q. You said that this incident with the gentleman
23 with the cane -- you mentioned he was an

Report ID: PER5266D.SQR

Run Date: 03/17/2004

PERSONNEL ACTION FORM

MAIL TO:
 Palaggo-Toy, Tina D
 tina.palaggotoy@highmark.com
 FAP 1721
 HealthPlace Network
 120 5th Avenue Place
 Pittsburgh CMP=PBS

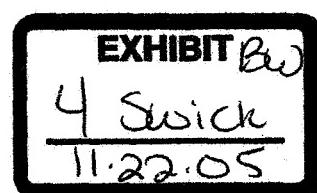
*****CONFIDENTIAL*****

PERSONNEL ACTION FORM		HIRE DATE: 02/24/1997
EMPLOYEE NO.: 042769	REHIRE DATE:	
EMPLOYEE NAME: Swick, Rebecca Kathleen		LAST INCREASE DATE: 03/13/2004

This personnel action form reflects that the above employee has received the following action.

EFFECTIVE:	03/13/2004
ACTION:	Pay Rate Change
ACTION REASON:	Merit
POSITION NUMBER:	60009101
ORG. CODE/DESCRIPTION:	2365 / HealthPlace Network
COST CENTER:	4840
JOB TITLE:	HEALTHPLACE PROG ASST
SALARY PLAN/GRADE:	I37 / N07
NEW REVIEW DATE:	03/12/2005

This employee's compensation related data as of the above effective date was:	
COMPENSATION RATE:	\$ 30,117.00 - Annual
SHIFT CODE:	1
SCHEDULED WEEKLY HOURS:	37.50
EMPLOYEE TYPE:	Exception Hourly
RATING LEVEL:	4
INCREASE PERCENT:	4.002 %
INCREASE AMOUNT:	\$ 1,159.00
ALTERNATE PAYMENT:	



RETURN DATE: 03/05/2004
 Pay Date: 04/02/2004

REVIEW DATE: 03/13/2004

CONFIDENTIAL PERFORMANCE APPRAISAL AUTHORIZATION FORM

EMPLOYER INFORMATION		SALARY INFORMATION	
Employee: Swick, Rebecca Kathleen (042769) Empl Status: Active Company: Highmark Inc Org Title/Code: HealthPlace Network (2365) Job Title/Code: HEALTHPLACE PROG ASST (14M6OP) Position #: 60009101 Std Hrs: 37.50 Employee Type: Exception Hourly Shift: First Part/Full: Full-Time Reg/Temp: Regular Job Entry: 08/05/2000 Original Hire Date: 02/24/1997 Rehire Date:		Annual: \$ 28,958.00 Bi-Weekly: \$ 1,113.77 Hourly: \$ 14.850256	
LAST MERIT REVIEW INFORMATION			
Date: 03/01/2003 Rating: 4 Percent: 5.000%			
LAST SALARY CHANGE INFORMATION			
Date: 03/01/2003 Action: Pay Rt Chg Percent: 5.000%			
SALARY POSITION / SALARY RECOMMENDATION			
RANGE/MARKET TARGETS			
Salary Plan & Grade	MIN	MID	MAX
I37 N07	\$24,622.00	\$30,778.00	\$36,934.00
		Compa Ratio 94.08	
Performance Rating (Check One)		INCREASES TO BASE MAXIMUM PERCENT	
<input type="checkbox"/> (2) Does Not Meet Expectations <input type="checkbox"/> (3) Achieves Expectations <input checked="" type="checkbox"/> (4) Exceeds Expectations <input type="checkbox"/> (5) Far Exceeds Expectations <input type="checkbox"/> (0) Defer Review _____ Months		Increase to Base Salary: <u>4</u> % Lump Sum Increase: _____% ISG only - Performance Now Numerical Rating: _____	
Reviewed By: <u>Tina Palagyo-Ts</u> <small>Name</small> Director		<small>Title</small> <u>3/3/04</u> <small>Date</small>	
Approved By: <u>W. S. Brown</u> <small>Name</small> V-P		<small>Title</small> <u>3-3-04</u> <small>Date</small>	
ADDITIONAL COMMENTS OR DEFERRAL REASON			
<u>3-12-2005</u> <u>3/16/04</u>			

HIGHMARK, INC
PERFORMANCE PLANNING & APPRAISAL FORM

Employee Name:	Rebecca Swick	Employee #:	42769
Job Title:	HealthPLACE Program Assistant - Erie	Grade:	NO7
Dept/Div/Area:	HealthPLACE		
Performance Period Dates:	From: March 2003	To: March 2004	
Date Completed:	February 23, 2004	Performance Level:	EE

PERFORMANCE PLANNING & RESULTS SECTION

In this section, the supervisor and the employee discuss and document together the performance expectations and objectives for the next performance period at the beginning of the period. They also specify the priority of each objective and the type and level of observable behavior that defines Achieves Expectations (AE). The "Results" section is filled in later as each objective is completed. Performance expectations and objectives may include specific projects or ongoing accountabilities of the position. In either case, they should be clearly documented in this section. Provide a copy of the partially completed performance appraisal to the employee for reference during the performance period.

Performance Plan Expectations

On the following pages, please list the specific objectives to be pursued by the employee during this performance period, how success will be measured and the relative importance (weight) of the objective as expressed by a percentage.

Performance Plan Results

After the performance planning session, periodic meetings should be scheduled between supervisor and employee during the year to review progress on projects, add or change assignments, discuss performance, and encourage employee in-put. Ensure that employee has the necessary resources available to accomplish objectives and seek opportunities for teaching, coaching, and leading the employee.

As each objective is reached or "achieved," the supervisor records the results in the "Results" section of the corresponding objective. The applicable rating level is then assigned for each objective.

RATING LEVELS

- FE = Far Exceeds Expectations**
- EE = Exceeds Expectations**
- AE = Achieves Expectations**
- DE = Does Not Meet Expectations**

<u>No.</u>	<u>Objective</u>	<u>Measurement Standard</u>	<u>Weight</u>
1	Continue to support the Erie HealthPLACE Administrator in planning, implementing, and evaluating HealthPLACE programs and services at the Erie HealthPLACE Center, the worksite, and alternative delivery sites.	Observation Feedback from HP Administrator	50%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>
Becca clearly exceeds expectations with this objective. She is responsible for the production of the Erie HealthPLACE calendar, and serves as a point person for all HP locations regarding calendar production. Becca also organizes and distributes quarterly planning calendars as submitted from HP staff. She is responsible for program reservations, speaker confirmations, program advertising in local publications, and program promotion to employees via the intranet. Becca maintains the HP mailing lists, conducts classroom set-up and scheduling, conducts health promotion presentations for members and employees, and is responsible for processing all course evaluation forms, monthly/other reports and program paperwork. She provides to Joy Sweeting group aggregate report presentations for Highmark account wellness committees following <u>HP@Work</u> screenings, and processes all lab results, PSR's and PWP's.	On-going	EE

<u>No.</u>	<u>Objective</u>	<u>Measurement Standard</u>	<u>Weight</u>
2	Continue to support HealthPLACE staff by coordinating the calendar submission process.	Work collaboratively with staff from HealthPLACE, corporate communications, creative services and printing to ensure a streamlined process for calendar production. Calendars will be in the correct format by all deadlines so members will receive a high-quality product on time.	25%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>
Becca is responsible for coordinating calendar production for all HP centers. She serves as the point person for the department with HP Administrators, printing, distribution, editing, and creative services. She assumed this responsibility when Jennifer Reese, HP Administrator left to have a baby in March 2003 and left the company November 2003.	February 2004	AE

<u>No.</u>	<u>Objective</u>	<u>Measurement Standard</u>	<u>Weight</u>
3	Continue to improve computer skills and health promotion knowledge.	Take at least two courses through corporate training to assist in achieving this goal.	25%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>
<p>Becca clearly exceeded expectations with this objective. She participated in the following:</p> <ul style="list-style-type: none"> • "FrontPage: Designing a Web Site", August 5, 2003 • "HTML: Creating Forms", September 23, 2003 • "Conflict Management for Individuals", March 12, 2003 <p>Becca's knowledge of health promotion continues to increase through daily experiences as HP program assistant, independent readings, internet research, interaction with local health experts and professionals, and meetings/interactions with HP colleagues. She researches health promotion topics and conducts health awareness programs for both employees and members.</p>	March 2004	EE

OVERALL WEIGHT AND RATING FOR PERFORMANCE OF OBJECTIVES EE 100%**Job Competencies:**

Program Implementation and Evaluation Support Skills:	Results:	Weight:
Completing contracts, confirming participants and speakers, registering participants using Registrar, collecting course evaluation data such as course summaries and sending to evaluation analyst, providing class rosters and written materials, completing preventive service records during screenings, and completing monthly statistical report.	Becca meets and exceeds all deadline requirements for reports and submission of paperwork to HP staff such as the evaluation analyst, etc. She completes all support skills with efficiency and accuracy by implementing effective systems for all duties such as purchasing supplies, filing, completing reports, etc. Becca conducts registration and follow-up for all lifestyle improvement and health awareness programs, lifestyle counseling appointments and screenings. In September 2003, Becca was assigned (7.5 hours per week) to support Pete Sitter in the Community Affairs department with the review and processing of requests for community dollars from Highmark. Pete reports Becca's support was effective and valuable.	50%

FE EE AE DE

Customer Service Skills:	Results:	Weight:
Responding to telephone and mail inquiries, providing direct information and referral services, responding to physician inquiries regarding literature and HealthPLACE Services in a helpful and professional manner.	Becca continues to excel in this area of her job. She's helpful, courteous, knowledgeable and professional in her dealings with employees and members. Because of Becca's advanced education she is	30%

also capable of teaching health promotion programs when needed, specifically with customer service representatives. Becca's customer service skills go far beyond just being professional and courteous. She's very helpful to members and employees because of her knowledge base regarding the art and science of making lifestyle changes.

FE EE AE DE

Clerical Skills:

Typing general correspondence, filing, purchasing supplies, operating office equipment, and ordering and organizing the resource materials.

Results:

Becca excels in this part of her job. Experience has taught her the value of doing the job right the first time to save time and energy in the future. Because of this work-style and implementing organizational systems for mundane tasks such as filing and purchasing, she has created an effective and efficient environment to complete the many tasks of this job. Her typing skills are excellent, so most clerical work on the computer is completed quickly with minimal to no errors, freeing her time for other opportunities for growth.

Weight:
20%

Once again, because of Becca's education and skill set, she extends herself beyond the competencies of her job. A good example of this is how she promotes HealthPLACE programs and services. She writes a monthly article for the Tri-State Senior News and the Erie Times News, and regularly reaches out to employees with health tips, recipes, words of encouragement, and humor. I have received excellent feedback from members and employees regarding her efforts and enthusiasm.

FE EE AE DE

OVERALL WEIGHT AND RATING OF COMPETENCIES

OVERALL RATING:

FE EE AE DE

DEVELOPMENTAL OPPORTUNITIES*

Strengths:	Opportunities for Growth:
Excellent communication and customer service skills Excellent interpersonal skills Committed to the HealthPLACE lifestyle and mission Strong work ethic Positive attitude	Specific goals for March 2004 – March 2005 will be determined by mid-April 2004.

EMPLOYEE COMMENTS:

Employee Signature: Rebecca K. Sitt Date: 3-15-04.

APPROVALS

Supervisor's Signature: Tina Palaga-T Date: March 3, 2004

Next Level Signature: W. Brumley Date: 3-3-04

Report ID: PER5266D.SQR

Run Date: 03/18/2003

PERSONNEL ACTION FORM

MAIL TO:
 Palaggo-Toy, Tina D
 tina.palaggotoy@highmark.com
 FAP 1721
 HealthPlace Network
 120 5th Avenue Place
 Pittsburgh CMP-PBS

*****CONFIDENTIAL*****

PERSONNEL ACTION FORM	
EMPLOYEE NO.: 042769	HIRE DATE: 02/24/1997
EMPLOYEE NAME: Swick,Rebecca Kathleen	REHIRE DATE:
	LAST INCREASE DATE: 03/01/2003

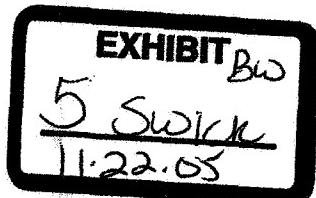
This personnel action form reflects that the above employee has received the following action.

EFFECTIVE: 03/01/2003
ACTION: Pay Rate Change
ACTION REASON: Merit
POSITION NUMBER: 60009101
ORG. CODE/DESCRIPTION: 2365 / HealthPlace Network
COST CENTER: 4840
JOB TITLE: HEALTHPLACE PROG ASST
SALARY PLAN/GRADE: I37 / N07
NEW REVIEW DATE: 03/13/2004

The employee's compensation data as of the above effective date was:

COMPENSATION RATE: \$ 28,958.00 -Annual
SHIFT CODE: 1
SCHEDULED WEEKLY HOURS: 37.50
EMPLOYEE TYPE: Exception Hourly

RATING LEVEL: 4
INCREASE PERCENT: 5.000 %
INCREASE AMOUNT: \$ 1,379.00
ALTERNATE PAYMENT:



Run Date/Time: 01/15/2003 - 11:00:15

ISG Performance Now Numerical Rating:

softlife 1002-81-8

NOVEMBER TWENTY-FIVE THIRTY EIGHT TWO THREE FORTY ONE

SALARIES RECOMMENDATION <<>>	
Increase To Base Salary: <u>5</u> (%)	Lump Sum Increase: _____ (Where Applicable)
SEND THIS COPY TO H.R.I.S.	
Date 3/12/03	Title V-p D'Arcy
Date 3-12-03	Title

John Name
John Name

Approved

Review

S.Fe

2.Dc

Salary Plan	# Grade	137 NOT
Company Ratio		89.60
Range/Market Targets	MIN 100%	24,622
	MAX	30,778
		36,934

SIMPLY POSITION / SIMPLY ECONOMICAL

HRS-Pgh.					
		Hours	Minutes	Times	Lost Time
MAR 14 2003				Late	0.00
				Late	0

DATA / WHICH TEAMS HAVE TURNED IN THE BEST DEFENSES IN THE PAST 10 YEARS? / Page 31

Date	Rating	Percent	Reason	Date	Percent	Reason	Date	Rating	Percent
03/02/2002	4	5.003 %	A1t. Pay Amc	03/02/2002	Pay Ret Chg	5.003 %	03/02/2002	4	5.003 %

LAST SAVAGE CHAMONIX TRAILING

Hire Date	Job Entry	Salary	Annual	Hourly	Type	Shift	Part	Reg	Overtime	Rehire	Date	Initial
2/24/1997	08/05/2000	\$ 27,579.00	\$ 1,060.73	\$ 14.143077	N	F	1	P	R	Temp		

2365 HEALTHPLACE NETWORK
Organization Code & Name
HEALTHPLACE ASS'T
Job Code Position #
14M60P 60009101
Std Hrs

Company Key	Employee Number	Employee Name	Bmp1 Status	Bmp2	Active
042769	SWICK, REBECCA KATHLEEN				

NOVEMBER ELEVEN SIXTY EIGHT

CONFIDENTIAL PERFORMANCE APPRAISAL

HIGHMARK, INC
PERFORMANCE PLANNING & APPRAISAL FORM

Employee Name:	Rebecca Swick	Employee #: 42769
Job Title:	HealthPLACE Program Assistant - Erie	Grade: NO7
Dept./Div./Area:	HealthPLACE	
Performance Period Dates:	From: March 2002	To: March 2003
Date Completed:	March 11, 2003	
		Performance Level: EE

PERFORMANCE PLANNING & RESULTS SECTION

In this section, the supervisor and the employee discuss and document together the performance expectations and objectives for the next performance period at the beginning of the period. They also specify the priority of each objective and the type and level of observable behavior that defines Achieves Expectations (AE). The "Results" section is filled in later as each objective is completed. Performance expectations and objectives may include specific projects or ongoing accountabilities of the position. In either case, they should be clearly documented in this section. Provide a copy of the partially completed performance appraisal to the employee for reference during the performance period.

Performance Plan Expectations

On the following pages, please list the specific objectives to be pursued by the employee during this performance period, how success will be measured and the relative importance (weight) of the objective as expressed by a percentage.

Performance Plan Results

After the performance planning session, periodic meetings should be scheduled between supervisor and employee during the year to review progress on projects, add or change assignments, discuss performance, and encourage employee in-put. Ensure that employee has the necessary resources available to accomplish objectives and seek opportunities for teaching, coaching, and leading the employee.

As each objective is reached or "achieved," the supervisor records the results in the "Results" section of the corresponding objective. The applicable rating level is then assigned for each objective.

RATING LEVELS

- FE** = Far Exceeds Expectations
- EE** = Exceeds Expectations
- AE** = Achieves Expectations
- DE** = Does Not Meet Expectations

The following goals are for Becca for performance period March 2002 – March 2003.

No. <u>1</u>	<u>Objective</u>	<u>Measurement Standard</u>	<u>Weight</u>
	Continue to improve computer skills specifically with power point presentations to support HP program staff with presentations.	Rebecca will complete a course by May 2002 and become proficient with using it to develop professional presentations by September 2002.	40%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>
Becca completed a 6-hour course on power point presentations through Highmark Corporate Learning on August 8 th , 2002. As a result of the course and working collaboratively with a skilled intern, she developed a template for worksite wellness presentations to be used when worksite wellness staff is presenting the PWP aggregate report for worksite customers. Rebecca is more proficient in this area than she was a year ago. Continued use of this program will benefit HealthPLACE staff responsible for conducting presentations.	8/8/03	AE

No. <u>2</u>	<u>Objective</u>	<u>Measurement Standard</u>	<u>Weight</u>
	Continue to improve time management and organizational skills to ensure details of position get completed in the most effective and time efficient manner.	This objective will be measured by observation of deadlines being met on or ahead of schedule. An example of this would be the calendar being turned in on or ahead of schedule, and evaluation forms given to evaluation analyst at specified time points.	40%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>
With another year in this position, regular tasks have become more systematic and less time consuming for Becca. She consistently exceeds deadlines for special and routine projects, including calendar submissions, article submissions to the Erie newspapers, PSA submissions to local radio stations, reports, mailings, etc. Because of this work-style, she has been asked to assume additional responsibilities to benefit the HealthPLACE department such as coordinating the HealthPLACE calendar submission for all HealthPLACE centers.	On-going	EE

No. <u>3</u>	<u>Objective</u>	<u>Measurement Standard</u>	<u>Weight</u>
	Continue to improve knowledge in health promotion.	We can discuss and decide together whether this will be "formal" training or "on the job" training.	20%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>
Becca regularly researches consumer health topics to answer questions and provide information for customers who patronize the HealthPLACE Center in Erie. She follows the literature to remain current, and is comfortable discussing wellness topics with both members and colleagues. She has a passion for the health promotion field and has developed numerous handouts that colleagues in other HealthPLACE Centers have used. Examples include, nutrition topics with recipes and tips on safe toys to distribute in the centers during the holidays. In September, Becca started graduate school to get her MBA with a concentration in marketing, for the purpose of understanding how to effectively market health promotion and disease prevention programs.	On-going	EE

OVERALL WEIGHT AND RATING FOR PERFORMANCE OF OBJECTIVES

EE 100%

Job Competencies:

Program Implementation and Evaluation	Results:	Weight:
Support Skills: Completing contracts, confirming participants and speakers, registering participants using Registrar, collecting course evaluation data such as course summaries and sending to evaluation analyst, providing class rosters and written materials, completing preventive service records during screenings, and completing monthly statistical report.	Becca completes these skills with efficiency and accuracy. She manages all paperwork that supports HealthPLACE programs in Erie such as the registration & confirmation process for speakers and participants, and the mailings for the LifeSTYLES screening participants. She makes sure that all waivers and releases are in place, and all course evaluation forms are completed and submitted. Information is always retrieved quickly when requested by management ensuring confidence in the systems Becca has in place.	50%

FE EE AE DE

Customer Service Skills: Responding to telephone and mail inquiries, providing direct information and referral services, responding to physician inquiries regarding literature and HealthPLACE Services in a helpful and professional manner.	Results:	Weight:
	Becca continues to excel in this area of her job. She takes the time to work with each member fully and leaves callers and visitors with a positive impression of HealthPLACE. She is courteous, knowledgeable and helpful to customers. Not only does she identify and understand the needs of members, but she also does the same for her superiors and peers. She sees the value in "going the extra mile" and I get very positive feedback on that from everyone. She's an asset to HealthPLACE.	30%

FE EE AE DE

Clerical Skills: Typing general correspondence, filing, purchasing supplies, operating office equipment, and ordering and organizing the resource materials.	Results:	Weight:
	Becca excels in this part of her job. Experience has taught her the value of doing the job right the first time to save time and energy in the future. Because of this work-style and implementing organizational systems for mundane tasks such as filing and purchasing, she has created an effective and efficient environment to complete the many tasks of this job. Her typing skills are excellent, so most clerical work on the computer is completed quickly with minimal to no errors, freeing her time for other opportunities for growth.	20%

FE EE AE DE

OVERALL WEIGHT AND RATING OF COMPETENCIES**OVERALL RATING:**

EE	<input type="checkbox"/>	CC	<input checked="" type="checkbox"/>	AE	<input type="checkbox"/>	DE	<input type="checkbox"/>
----	--------------------------	----	-------------------------------------	----	--------------------------	----	--------------------------

DEVELOPMENTAL OPPORTUNITIES*

Strengths:	Opportunities for Growth:
Excellent communication and customer service skills Excellent interpersonal skills Committed to the HealthPLACE lifestyle and mission Flexible Strong work ethic Positive attitude	Continue to support the Erie HealthPLACE Administrator in meeting and exceeding HealthPLACE goals. Continue to improve computer skills specifically to enhance presentation and evaluation skills Continue to improve knowledge of health promotion

EMPLOYEE COMMENTS:

Employee Signature: Rebecca K. Sisk Date: 3-14-03

SUPERVISOR'S SIGNATURE:

Supervisor's Signature: Tina Palazzo-Tay Date: March 12, 2003

Next Level Signature:

Next Level Signature: W. Beamer Date: 3-12-03

Goals for 2003:

<u>No.</u>	<u>Objective</u>	<u>Measurement Standard</u>	<u>Weight</u>
1	Continue to support the Erie HealthPLACE Administrator in planning, implementing, and evaluating HealthPLACE programs and services at the Erie HealthPLACE Center, the worksite, and alternative delivery sites.	Observation Feedback from HP Administrator	50%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>

*****	*****
<u>No.</u>	<u>Objective</u>
2	Continue to support HealthPLACE staff by coordinating the calendar submission process.
	<u>Measurement Standard</u>
	Work collaboratively with staff from HealthPLACE, corporate communications, creative services and printing to ensure a streamlined process for calendar production. Calendars will be in the correct format by all deadlines so members will receive a high-quality product on time.
	25%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>

*****	*****
<u>No.</u>	<u>Objective</u>
3	Continue to improve computer skills and health promotion knowledge.
	<u>Measurement Standard</u>
	Take at least two courses through corporate training to assist in achieving this goal.
	25%

<u>RESULTS</u>	<u>DATE COMPLETED</u>	<u>RATING</u>

OVERALL WEIGHT AND RATING FOR PERFORMANCE OF OBJECTIVES **100% Weight**

TAB F

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 WESTERN DISTRICT OF PENNSYLVANIA

3 JOY SWEETING,)
4 Plaintiff,)
5 -vs-) Civil Action
6 HIGHMARK, INC.,) NO. 04-0368 Erie
7 Defendant.)
8

10 DEPOSITION OF: TINA PALAGGO-TOY
11

13 DATE: November 22, 2005
14 Tuesday, 2:59 p.m.

15 LOCATION: SCANLON & SANSONE
16 2300 Lawyers Building
17 Pittsburgh, PA 15219

18 TAKEN BY: Plaintiff

19 REPORTED BY: Beth E. Welsh
20 Notary Public
21 QCR Reference No. BW1598b

23 COPY
24

1 to that decision being made, somewhere in that
2 time frame?

3 A. It seems like that could be the case. I don't
4 remember any dates.

5 Q. So you called Ms. Silberman back, didn't get her
6 I guess and left a voicemail?

7 A. That's what I remember.

8 Q. Okay. In the voicemail response you left a
9 message to the effect that you would choose Joy
10 over Becca for that position; is that right?

11 A. Yes. I did not know what the position was
12 though, it was -- her voicemail to me was just
13 posed if I had to choose.

14 Q. For any position you mean?

15 A. Right.

16 Q. I see.

17 A. Well, she didn't say for any position. Her
18 words to me were, as I recall, if I had to
19 choose between Joy or Becca for the new
20 organization, who would I choose.

21 Q. For some job, but you didn't know for what job?

22 A. I don't remember if she said the actual job
23 title, I don't remember that.

24 Q. Okay. When you learned what job Becca
25 eventually was given, if you had known that at

1 BY MR. SANSONE:

2 Q. I'm asking this question: When you were asked
3 the question before you said I didn't know what
4 the job was, she might have said the title, I
5 don't remember, but I certainly didn't know
6 exactly what it entailed; correct?

7 A. Right.

8 Q. Now, what I'm trying to find out is if you have
9 learned anything since the time of being asked
10 that question which would cause you to answer
11 the question any differently today? That's the
12 only question I'm asking you.

13 A. No, because I manage the work site health
14 promotion area.

15 Q. Theoretically somebody could have come to you
16 and said, this is what Becca's doing and she's
17 much better at it than Joy would have been and
18 here's why it's better for her. You could have
19 had --

20 MS. MUNSCH: Well, that's secondhand
21 knowledge, Joel, and that's --

22 BY MR. SANSONE:

23 A. I never trust that kind of stuff.

24 Q. Even if you don't trust it, I want to know if
25 you had any input like that, whether you believe

1 it or accept it or not, now I want to know has
2 anybody come to you to try to justify why this
3 choice was made?

4 A. No.

5 Q. Okay. Why did you answer the question the way
6 you did when you were asked it back sometime in
7 early '04?

8 A. Because I really like Joy, I had worked with her
9 for a really long time, we had a good
10 relationship, I respected her -- I mean I
11 respect her, I don't mean to say it "ed".

12 Q. I appreciate that.

13 A. It was an honest answer. I had much more
14 experience with Joy than I did with Becca. I
15 worked with her much longer and very closely
16 over those years.

17 Q. Do you have enough information to give an
18 opinion as to who -- well, do you know anything
19 about the position that Becca was given -- I
20 hate to call her Becca, I don't know her,
21 Rebecca was given?

22 A. I really -- then, now?

23 Q. As you sit here.

24 A. My responsibility now is 100 percent work site
25 wellness. I am like that one objective that you

1 Q. When you were asked the question would you
2 choose Joy or would you choose Becca, what
3 factors did you take into account when you
4 answered Joy?

5 MS. MUNSCH: I think she answered
6 that already.

7 BY MR. SANSONE:

8 A. Because I knew her very well, we had worked
9 together for many years.

10 Q. You said that.

11 A. We were very close. I respected her -- I
12 respect her.

13 Q. Okay.

14 A. There's nothing more to that. We had --

15 Q. Well, did you, for example -- since you were
16 asked to make a comparison, did you consider the
17 difference in years of experience at Highmark
18 for example?

19 A. It was a gut -- emotional, I was having to pick
20 between two people that I really liked.

21 Q. A tough call.

22 A. I didn't want to do that.

23 Q. I understand that. But I understand that it's
24 business and you had to make a call, and you
25 did, now what I'm asking you is were there --

1 Q. Yes, was that one of the things you thought
2 about? It's not a trick question in any way.

3 A. I don't remember.

4 Q. Okay. Did you consider the various experience
5 of the two individuals, for example, what jobs
6 they had performed and how that might play into
7 the new organization when you gave that answer?

8 A. You know, I may have. Again, it was emotional
9 my reaction, it was my relationships. I had
10 worked with Joy longer and very deeply.

11 MR. SANSONE: We'll take five
12 minutes.

13 - - -
14 (There was a brief pause in the proceedings.)

15 - - -
16 MR. SANSONE: We don't have anything
17 else.

18 MS. MUNSCH: I just have one or two
19 questions, then we'll let Carl hit the road to
20 Baltimore. He's got to drive to Baltimore
21 tonight.

22 - - -
23 (There was a discussion off the record.)

24 - - -
25 EXAMINATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Appendix In Support Of Highmark's Motion For Summary Judgment (Volume III of III) was served upon counsel for Plaintiff electronically and by United States mail, first class and postage prepaid, at Pittsburgh, Pennsylvania, on this 19th day of December, 2005, addressed as follows:

Joel S. Sansone
Scanlon & Sansone
2300 Lawyers Building
Pittsburgh, PA 15219
scanlon2sansone@aol.com

Counsel for Plaintiff

s/ Martha Hartle Munsch
Counsel for Defendant